

|  |                               |                             |
|--|-------------------------------|-----------------------------|
| <b>DECLARATION FOR UTILITY OR<br/>DESIGN PATENT APPLICATION</b><br><b>(37 CFR 1.63)</b><br><br><input checked="" type="checkbox"/> Declaration Submitted with Initial Filing <b>OR</b> <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required) | <b>Attorney Docket Number</b> | DURE-002DIV                 |
|  | <b>First Named Inventor</b>   | Gillis, et al.              |
|  | <b>COMPLETE IF KNOWN</b>      |                             |
|  | <b>Application Number</b>     | Unassigned                  |
|  | <b>Filing Date</b>            | Herewith (January 28, 2002) |
|  | <b>Group Art Unit</b>         | 3763                        |
|  | <b>Examiner Name</b>          | Manuel A. Mendez            |

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Composite Drug Delivery Catheter

the specification of which:

☒ is attached hereto

**OR**

☐ was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined by 37 CFR 1.56.

Insofar as the subject matter of each of the claims of this application are not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designating at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) having a filing date before that of the application(s) of which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? |    |
|-------------------------------------|---------|----------------------------------|----------------------|--------------------------|----|
|                                     |         |                                  |                      | YES                      | NO |
|                                     |         |                                  |                      |                          |    |

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

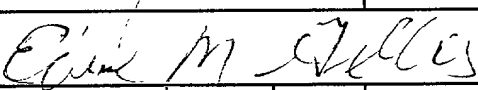
| Application Number(s) | Filing Date (MM/DD/YYYY) |
|-----------------------|--------------------------|
|                       |                          |

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application(s) designating the United States of America, listed below.

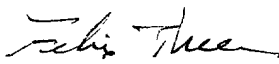
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|---|--|--|
| <b>U.S. Parent Application or PCT Parent Number</b> | <b>Parent Filing Date<br/>(MM/DD/YYYY)</b> | <b>Parent Patent Number<br/>(if applicable)</b>                |
|   |  |  |
| <b>DIRECT ALL CORRESPONDENCE TO:</b>                |  |  |
| <b>Name</b>   | Carol L. Francis                           |  |
| <b>Address</b>                                      | BOZICEVIC, FIELD & FRANCIS LLP             |  |
| <b>Address</b>                                      | 200 Middlefield Road Suite 200             |  |
| <b>City, State, Zip</b>                             | Menlo Park, California 94025               |  |
| <b>Country</b>                                      | U.S.A.                                     | <b>Telephone</b> 650-327-3400<br><b>Facsimile</b> 650-327-3231 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Name of Sole or First Inventor:**

|   |   |              |    |                               |        |                    |         |
|---|---|--------------|----|-------------------------------|--------|--------------------|---------|
| <b>Given Name (first and middle [if any])</b> |   |              |    | <b>Family Name or Surname</b> |        |                    |         |
| Edward M.                                     |   |              |    | Gillis                        |        |                    |         |
| <b>Inventor's Signature</b>                   |  |              |    |                               |        | <b>Date</b>        | 8/31/99 |
| <b>Residence: City</b>                        | Cupertino   | <b>State</b> | CA | <b>Country</b>                | U.S.A. | <b>Citizenship</b> | U.S.    |
| <b>Post Office Address</b>                    | 1202 Stafford Drive, Cupertino, California 95014                                    |              |    |                               |        |                    |         |
| <b>City</b>                                   | Cupertino   | <b>State</b> | CA | <b>Zip</b>                    | 95014  | <b>Country</b>     | U.S.A.  |

**Name of Second Inventor:**

|   |   |              |    |                               |        |                    |         |
|---|---|--------------|----|-------------------------------|--------|--------------------|---------|
| <b>Given Name (first and middle [if any])</b> |   |              |    | <b>Family Name or Surname</b> |        |                    |         |
| Felix   |   |              |    | Theeuwes                      |        |                    |         |
| <b>Inventor's Signature</b>                   |  |              |    |                               |        | <b>Date</b>        | 8/31/99 |
| <b>Residence: City</b>                        | Los Altos Hills   | <b>State</b> | CA | <b>Country</b>                | U.S.A. | <b>Citizenship</b> | Belgium |
| <b>Post Office Address</b>                    | 27350 Altamont Road, Los Altos Hills, California 94022                              |              |    |                               |        |                    |         |
| <b>City</b>                                   | Los Altos Hills   | <b>State</b> | CA | <b>Zip</b>                    | 94022  | <b>Country</b>     | U.S.A.  |

**POWER OF ATTORNEY  
BY ASSIGNEE**

|  |                |
|--|----------------|
| Attorney Docket                                | DURE-002       |
| First Named Inventor                           | Gillis, et al. |
| Application Number                             | 09/339,465     |
| Filing Date                                    | June 23, 1999  |
| Examiner Name (Group Art                       | N/A            |
| Title: <i>Composite Drug Delivery Catheter</i> |                |

Durect Corporation, assignee of the above-identified application by assignment dated 8/31/99, hereby appoint:

**BOZICEVIC, FIELD & FRANCIS LLP**

| Name             | Registration No. | Name               | Registration No. |
|------------------|------------------|--------------------|------------------|
| Karl Bozicevic   | 28,807           | Pamela J. Sherwood | 36,677           |
| Bret E. Field    | 37,620           | Dianna L. DeVore   | 42,484           |
| Carol L. Francis | 36,513           | Paula A. Borden    | 42,344           |
| Renee A. Fitts   | 35,136           |                    |                  |

as its attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

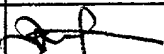
**DIRECT ALL CORRESPONDENCE TO:**

|                  |                                |           |                |
|------------------|--------------------------------|-----------|----------------|
| Individual Name  | Carol L. Francis               |           |                |
| Firm Name        | BOZICEVIC, FIELD & FRANCIS LLP |           |                |
| Address          | 200 Middlefield Road Suite 200 |           |                |
| City, State, Zip | Menlo Park California 94025    |           |                |
| Country          | U.S.A.                         |           |                |
| Telephone        | (650) 327-3400                 | Facsimile | (650) 327-3231 |

**SIGNATURE of Assignee of Record**

In accordance with 37 CFR §3.73(b) I hereby certify that I am empowered to act on behalf of the Assignee of the above-identified patent application. The original Assignment is concurrently being forwarded to the Assignment Branch of the U.S. Patent Office for recordation.

I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001 and that such willful false statements may jeopardize the validity of the above referenced application or any patent resulting from that application.

|                  |   |      |         |
|------------------|---|------|---------|
| Name and Company | Jean Liu, Durect Corporation  |      |         |
| Title            | Vice President and General Counsel  |      |         |
| Signature        |  | Date | 8/31/99 |